

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

TAINOAPP, INC.

Plaintiff,

v.

BARNES & NOBLE, INC.,
BARNESANDNOBLE.COM, LLC, and
NOOK MEDIA LLC.

Defendants.

BARNES & NOBLE, INC.,
BARNESANDNOBLE.COM, LLC, and
NOOK MEDIA LLC.

Counterclaim Plaintiff,

v.

TAINOAPP, INC.

Counterclaim Defendant.

CIVIL ACTION NO. 14- 1212 (DRD)

JURY TRIAL DEMANDED

JOINT MOTION IN COMPLIANCE WITH COURT ORDER

TO THE HONORABLE COURT:

NOW COME plaintiff TainoApp, Inc. and defendants Barnes & Noble, Inc., barnesandnoble.com, LLC and NOOK Media, LLC (collectively, “B&N”), and respectfully submit this motion in compliance with the Court’s order during the hearing held on October 8, 2014, that the Parties jointly file a witness list, which is to include the subject matter that each witness testify about. *See Dkt 56.*

A. TainoApp's Position:

TainoApp hereby informs that it will call on the following fact witness:

- a. Jorge Castro Planadeball. Mr. Castro is the owner of U.S. Patent 7,034,791 (the “791 Patent”) and will testify about his ownership of the ‘791 Patent, all matters related to the formation and creation of TainoApp, Inc., prior licensing agreements and/or related litigation if necessary. Mr. Castro is a resident of San Juan, Puerto Rico and his main place of business is in San Juan, Puerto Rico.

TainoApp has not made a determination as to the expert witnesses it will retain given that Barnes & Noble has yet to produce the technical and sales document requested by means of Interrogatories and Request for Production of Documents even though the date for such production is past due. Once Barnes & Noble comply with their discovery obligations, TainoApp will be in a position to determine the retainer of expert witnesses.

B. Barnes & Noble's Position

B&N obtains from third parties many of the hardware and software components of the accused NOOK e-readers relevant to the infringement issues in this case, including: the electrophoretic displays (“EPDs”) used in all NOOK e-readers and developed by E-Ink Corporation; the display processors, both hardware and software, obtained from either Epson Corporation or Texas Instruments Corporation; and various software applications and integration work provided by Intrinsyc Corporation. B&N expects to rely upon third party corporate representatives from these companies for testimony related to the technology at issue that is accused in TainoApp's infringement contentions. As a result, B&N has identified certain third

party corporate representatives and their locations based upon B&N's current knowledge, determined through reasonable investigation and past experience, of the whereabouts of potential corporate witnesses on the identified subject matter.

B&N identifies the following fact witnesses it may call to testify in this matter:

Witness	Location	Subject Matter
Charles Neugebauer	Santa Clara, California	B&N Vice President of Research & Development, corporate representative and knowledgeable regarding the overall development of and accused technology of the NOOK devices identified in TainoApp's infringement contentions
Eric Goedrich	Santa Clara, California	B&N engineer, responsible for hardware for the early NOOK e-readers, knowledgeable about the E-Ink display to display processor interface, EPD power sequencing, and electrical specification interpretation, such as information about E-Ink display frame scanning and refreshing
Venkateswaran Ayalur	Santa Clara, California	B&N Director of Software, knowledgeable about inner working of Android (the operating system used on the NOOK e-readers), the software stack, and operation of NOOK applications, such as how popup dialogs, like the accused dictionary lookup feature, operate
Alison Vartabedian	New York, New York	B&N Director of NOOK marketing, who can testify about the marketing of the accused NOOK e-reader products
Corporate representative from E Ink Corporation and/or its corporate parent E Ink Holdings Inc.	Fremont, California, Cambridge, Massachusetts, or Taiwan	Development and operation of the EPDs used in the accused NOOK products, including technical details of how the displays are updated

Witness	Location	Subject Matter
Corporate representative from Epson Corp.	Vancouver, Canada (where B&N understands Epson display processors were designed) or Nagano, Japan	The operation of Epson display processors used in early accused NOOK e-readers and how they operate to update the EPDs on NOOK e-readers (which is the heart of the accused functionality in this case)
Corporate representative from Texas Instruments Corp. ("TI")	Richardson, TX or other unknown location	The Operation of TI display processors used in NOOK e-readers after the first two models, and how they operate to update the EPDs on those NOOK e-readers
Corporate representative from Intrinsyc Corp.	Vancouver, Canada	The software developed by Intrinsyc for NOOK e-readers, including E-Ink frame update software, and application software used to implement features such as the e-reading application for NOOKs
Gary Odom, inventor of the patent-in-suit	Portland, Oregon	The conception and reduction to practice of the patented invention, and other testimony potentially relevant to patent-related defenses

B&N's factual investigation is still underway, and it reserves the right to modify this list as discovery commences.

WHEREFORE, the parties respectfully request that the Court take notice of the Parties compliance with the Court's Order from October 8, 2014.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 22nd day of October, 2014.

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LLC

CERTIFICATION

I certify that a true and correct copy of the foregoing document has been served on all counsel of record via the Court's Case Management/Electronic Case Filing system and/or electronic mail on October 22, 2014.

/s/Andrés W. López
Andrés W. López